



## Costs Decision

Site visit made on 11 June 2024

**by V Simpson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 July 2024**

### **Costs application in relation to Appeal Ref: APP/D3125/W/23/333035815 15 Meadow Lane, Shipton-Under-Wychwood OX7 6BL**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Jason Glennon for a full award of costs against West Oxfordshire District Council.
- The appeal was against the refusal of planning permission for the installation of 2x Upstanding EV chargers to charge electric cars at 15 Meadow Lane

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour can relate to procedural matters (the process) or substantive matters (relating to the planning merits of the appeal).
3. I understand that the outcome of the application will have been a disappointment to the applicant. However, even if the reason for refusal within the decision notice is the same or similar to that which was the subject of application reference 15/02266/ful, I find that it is complete, precise, specific, and relevant to the development that was the subject of the application. Furthermore, the reason for the refusal was soundly based upon relevant policies contained within the Development Plan, as well as a Council-adopted supplementary planning document and the National Planning Policy Framework.
4. Based on the delegated report, it is not clear that the Council attributed weight to the benefits of the scheme at the application stage. Nevertheless, even if due regard and appropriate weight were given to all the material considerations before the Council, I cannot conclude that the application would have had a different outcome. This is because, notwithstanding all the material considerations put forward, the appeal has been dismissed. The appellant has not therefore incurred wasted or unnecessary expense in the appeal process.
5. The failure of the Council to actively engage with the applicant while the application was being considered, will no doubt have caused frustration. Nevertheless, the Council is not obliged to engage with the applicant or negotiate to secure amendments to the scheme post the submission of the application. Furthermore, there is no clear evidence that any such engagement would have prevented the refusal of the application or an appeal from being necessary.

6. For these reasons, unreasonable behaviour, either substantive or procedural, resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*V Simpson*

INSPECTOR